

# **Exhibit A**

**DECLARATION OF HEATHER SHERROD**

“I, HEATHER SHERROD, under penalty of perjury, hereby declare as follows:

1. My name is Heather Sherrod. I am over eighteen years of age, of sound mind, and am competent in all respects to make this declaration.

2. I am an attorney at law, duly licensed to practice before all courts of the state of Texas. I am an associate with the law firm of Norton Rose Fulbright US LLP (“Fulbright”). Shauna Johnson Clark and I are attorneys of record for Defendants Tony Broussard, Terry Lane, and Bill Rigby (collectively “Defendants”) in the case *Newton et al. v. Broussard, Rapattoni, Rigby and Lane*; C.A. No. 5:16-CV-25-XR; in the United States District Court for the Western District of Texas, San Antonio Division. I have personal knowledge of the facts stated herein or knowledge based on the review of the case and file and procedural history of the case and are all true and correct. If called as a witness to testify to the matters stated herein, I could and would competently do so.

3. Broussard, Lane, and Rigby were principals and/or owners of Performance Pressure Pumping Services, LLC (“Performance”) and Epic Wireline Services, LLC (“Epic”). Fulbright represents Performance and Epic in two other pending Fair Labor Standards Act lawsuits in the Western District of Texas, San Antonio Division: *Moore, et al. v. Performance and Epic*, Civil Action No. 5:15-cv-432-RCL and *Peacock v. Performance*, Civil Action No. 5:15-cv-00901-OLG. in these three lawsuits, On April 7, 2016, Broussard signed an engagement letter with Fulbright agreeing that Performance and Epic are responsible and liable for the payment of any outstanding attorneys’ fees and costs in connection with Fulbright’s representation of Broussard, Lane, Rigby, Performance, and Epic in the *Moore, Peacock*, and *Newton* lawsuits.

4. Since undertaking representation on April 7, 2016, Performance, Epic, Broussard, Lane, and Rigby have failed to pay reasonable and necessary attorneys’ fees necessary to continue the litigation. Fulbright has performed work on behalf of Performance, Epic,

Performance on June 24, 2016, has continued to be responsive to Ms. Clark and my and requests for information.

5. Performance has failed to (1) timely respond and provide any facts and documents that are or might be material or that its counsel has requested; (2) to keep its counsel apprised on a timely basis of all developments relating to our representation in the matter; (3) attend meetings, conferences, and other proceedings when it is reasonable to do so; and (4) its obligation to pay its counsel's attorneys' fees as agreed by Performance in its engagement letter agreement with Fulbright.

6. On October 7, 2016, Fulbright mailed letters to Performance through its owners, Tony Broussard and Bill Rigby, via certified mail to its last known addresses, notifying them of Fulbright's intent to end its representation and seek leave to withdraw from the cases unless Broussard, Rigby, or someone else at the companies responded within twenty days. Neither Broussard nor Rigby have confirmed receipt or made any effort to respond to the letter. Fulbright has also been unable to reach Mr. Broussard or Mr. Rigby in order to obtain their signatures on Fulbright's Motion to Withdraw as Counsel for Defendants.

7. I declare under penalty of perjury that the foregoing is true and correct."

Executed on November 14, 2016

  
Heather Sherrod